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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,019	11/24/2003	Greg N. Brandt	24066-RE	3981
23589	7590	09/08/2005	EXAMINER	
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			BARRETT, SUZANNE LALE DINO	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

MC

Office Action Summary

Application No.

10/721,019

Applicant(s)

BRANDT, GREG N.

Examiner

Suzanne Dino Barrett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 10, 11, 13 and 16 is/are allowed.
- 6) ☒ Claim(s) 8, 9, 12, 14, 15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/24/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reissue Applications

1. The reissue oath/declaration filed with this application is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414.
2. While the Declaration submitted by Applicant has the correct statement that “the patentee claimed more or less than he had the right to claim in the patent”, the subsequent discussion of claim 8 is insufficient. Applicant should clearly set forth what limitations were in issue and specifically, how the claims have been amended to rectify the issue.
3. Claims 1-19 are rejected as being based upon a defective reissue Declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the Declaration is set forth in the discussion above in this Office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 8,9,14,15,17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Spain 2,690,070. Spain teaches a cylinder lock comprising a keyway 27, tumblers and an elongated hollow slot 40 radially spaced from and parallel to the keyway 27 with a secondary lock bar 39 reciprocally mounted in the slot and spring biased 41. The lock bar comprising a transversely protruding portion 46 to be engaged by a key protruding surface 45. The key (K) is provided with distal and proximal ends, a pair of side edges and side margins with one of the side margins (the top portion of the key as shown in Fig.8) comprising the protruding portion 45. It is clearly shown in Figure 8 that the key protruding surface does not extend beyond the side margins.

6. Claims 8,14,15 are further rejected under 35 U.S.C. 102(b) as being anticipated by German reference DE 2,800,374. DE '374 teaches, in Figure 23, a cylinder lock comprising a keyway to receive key, tumblers and an elongated hollow slot radially spaced from and parallel to the keyway 27 with a secondary lock bar 12 reciprocally mounted in the slot and spring biased. The lock bar comprising a transversely protruding portion 18 to be engaged by a key protruding surface 26a. The key is provided with distal and proximal ends, a pair of side edges and side margins with one of the side margins comprising the protruding portion 18.

7. Claims 12,14 are rejected under 35 U.S.C. 102(b) as being anticipated by France 1,533,953. France '953 teaches a cylinder lock comprising a keyway, tumblers 10 and an elongated hollow slot 14 radially spaced from and parallel to the keyway with a secondary lock bar 15 reciprocally mounted in the slot and spring biased 17. The lock bar having an end portion to be engaged by a key protruding surface 23a. The key 19 is

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provided with distal and proximal ends, a pair of side edges and side margins with one of the side margins comprising the protruding portion 23a.

8. Claims 14,17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by German reference DE 2,800,398. DE '398 teaches a cylinder lock comprising a keyway, tumblers and elongated hollow slot radially spaced from and parallel to the keyway with a secondary lock bar 12 reciprocally mounted in the slot and spring biased. The lock bar 12 comprising an end portion to be engaged by a key protruding surface 32. The key 28 is provided with distal and proximal ends, a pair of side edges and side margins with one of the side margins comprising the protruding portion 32.

9. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by German reference DE 2,828,343. DE '343 a cylinder lock comprising a keyway, tumblers and elongated hollow slot 10 radially spaced from and parallel to the keyway with a secondary lock bar 12 reciprocally mounted in the slot and spring biased 14. The lock bar comprising an end portion to be engaged by a key protruding surface 32. The key 28 is provided with distal and proximal ends, a pair of side edges and side margins with one of the side margins comprising the protruding portion 32.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claim 12 is further rejected under 35 U.S.C. 103(a) as being unpatentable over either Spain '070, DE '374, DE '343 or DE '398 in view of Ku et al 4,341,102.

All of the primary references teach the spring biased lock bar arrangement as discussed individually above, but fail to provide the lock bar with a hollow chamber for the spring.

Ku et al teach a cylinder lock comprising a lock bar 15 having a hollow chamber 14 at one end for receiving a spring member 16. It would have been obvious to one of ordinary skill in the art to modify the lock bar and spring arrangement of either Spain, DE '343, DE'398 or DE '374, to provide a hollow chamber for housing the spring as taught by Ku et al as an obvious matter of design choice in enhancing the mounting of the spring to the lock bar.

Allowable Subject Matter

12. Claim 1-7, 10, 11, 13, 16 are allowed.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the newly cited Field, Slaybaugh, Jenks and Shvarts patents. Also note that the previously cited prior art from the original application 08/529,903 has been re-cited on the PTO-892, but no copies of the foreign references are being sent to Applicant.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb